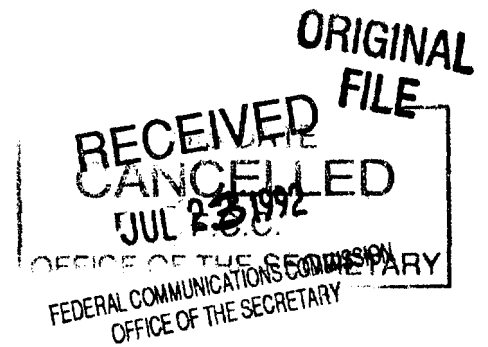


Southwestern Bell Telephone



July 22, 1992

Richard C. Hartgrove
General Attorney

Mr. William A. Blase
Director-Federal Regulatory
Southwestern Bell Corporation
1667 K Street, N.W., Suite 1000
Washington, D.C. 20006

RECEIVED

JUL 23 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Bill:

Re: Comments of Southwestern Bell Telephone Company,
CC Docket No. 92-117

Enclosed please find an original and nine (9) copies of the above-referenced pleading to be filed with the Secretary of the Commission on Thursday, July 23, 1992.

Additional copies of the pleading are attached to be used as courtesy copies and one is included for your files.

Please call to confirm that the pleading has been filed. Thank you for your assistance.

Very truly yours,

Richard C. Hartgrove

Enclosure

1010 Pine Street
St. Louis, MO 63101

Phone 314 235-2506

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

JUL 23 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment to Section 1.773 of the)
Commission's Rules Regarding) CC Docket No. 92-117
Pleading Cycle for Petitions)
Against Tariff Filing Made on)
14 Days' Notice)

COMMENTS OF
SOUTHWESTERN BELL TELEPHONE COMPANY

Southwestern Bell Telephone Company (SWBT), by its attorneys, pursuant to the Federal Communications Commission's (Commission) Notice of Proposed Rulemaking,¹ hereby files its Comments on the Commission's proposals. While SWBT concedes that some changes to the rules are necessary, the Commission need not, and should not, adopt all of the proposals outlined in the NPRM.

I. THE COMMISSION SHOULD NOT COUNT ALL INTERVENING HOLIDAYS IN COMPUTING THE FILING DATE FOR REPLIES.

SWBT does not object to reducing the time for filing petitions for relief from the tariff filing to six days and reducing the time for filing replies to such petitions to three days. Nevertheless, counting all intervening holidays in the three day period for filing replies could place SWBT in an untenable situation.

If the Petition for Relief against an SWBT tariff filing is filed on a Friday, SWBT would be required to file its response

¹In the Matter of Amendment to Section 1.773 of the Commission's Rules Regarding Pleading Cycle for Petitions Against Tariff Filings Made on 14 Days' Notice, Notice of Proposed Rulemaking, (FCC 92-215) (released June 1, 1992) (NPRM).

the following Monday, given the NPRM's accompanying proposal to count intermediate holidays² in calculating the three day period. Since the replies to such Petitions for Relief are prepared in St. Louis, Missouri (SWBT's Corporate Headquarters), the intervening weekend reduces SWBT's period for a reply to less than one business day. Even if the reply could be prepared on the day it is due, time must be allotted to electronically transmit the document to SWBT's Washington contact personnel, who must then physically file the reply at the Commission.

While some may argue that, in such instances, SWBT should work over the weekend to complete such filings, this is not always possible.³ It is much more difficult to gather the proper subject matter experts and legal personnel to prepare SWBT's reply outside of normal working hours. Thus, SWBT is disadvantaged in the preparation of its reply if it is required to count all intervening holidays in the three day period for replies.

Therefore, SWBT requests that the Commission amend its proposal to not require the counting of intervening holidays in the three day period for replies. At a minimum, no more than one intervening holiday should be counted in calculating the three day period, allowing SWBT and other LECs to have at least one full

²As defined in 47 C.F.R. Section 1.4(e)(1).

³Some commentators may also claim that SWBT can prevent petitions from being filed on Fridays by timing the filing of SWBT's tariffs so that petitions are not due on a Friday. Nevertheless, this view ignores the possibility of a petition being filed early, in less than the six days allotted. In this manner, a petitioner could "game" the filing schedule to force SWBT to respond on the following Monday.

business day to assemble and file its response. (Under this minimally acceptable alternative, if a Petition for Relief from an LEC tariff filing is filed on a Friday, the reply would be due on Tuesday. If the Monday after the intervening weekend is also a holiday, the filing date for the reply would be on Wednesday.)

II. REPLIES NEED NOT BE SERVED PERSONALLY ON THE PARTIES.

The NPRM proposes to eliminate the option to serve any party in a 14 day tariff proceeding by mail. Each petition or reply would be personally served on the appropriate parties.

While personal service is always an option, it need not be required for an LEC's reply. Since there is no specified opportunity to file a surreply, it is unnecessary for the reply to be immediately served on the other parties to the proceeding.

A personal service requirement for replies does nothing to speed the Commission's consideration of the reply. The reply will be directly filed at the Commission on the appropriate day, as is the case today. The date on which petitioners receive their copies does not affect the time that the Commission has to consider the reply.

III. THE COMMISSION SHOULD FURTHER EXPLORE THE ADVISABILITY OF ALLOWING SERVICE ON OTHER PARTIES BY FACSIMILE.

SWBT does not object to personal service by facsimile, with a follow-up mailing, provided that SWBT, or any LEC, is allowed to designate a particular facsimile number with each filing. Without proper safeguards to ensure that facsimiles are

only sent to the designated employee of the LEC, the benefits of facsimile transmission are lost due to the delay that may occur. If the facsimile is sent to the wrong person, precious time will be wasted in routing the pleading to the employees responsible for answering it.

Thus, personal service should not be satisfied by the transmission of a facsimile to any SWBT telephone/facsimile number. The LEC should be allowed to designate a telephone/facsimile number in the tariff filing. Only the telephone/facsimile number so designated should be considered proper, given the strict time constraints.

Likewise, if personal service of a reply is required (notwithstanding SWBT's objections noted above), the petitioner should be allowed to designate a telephone/facsimile number in the petition, for personal service of the reply.

IV. CONCLUSION

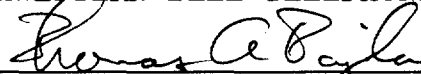
For the reasons stated above, SWBT respectfully requests that the Commission modify the NPRM's proposals to allow additional

time for filing of a reply in certain instances, and to eliminate the requirement of personal service of replies and to allow personal service by facsimile only if certain safeguards are added to the rule.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By



Durward D. Dupre
Richard C. Hartgrove
Thomas A. Pajda

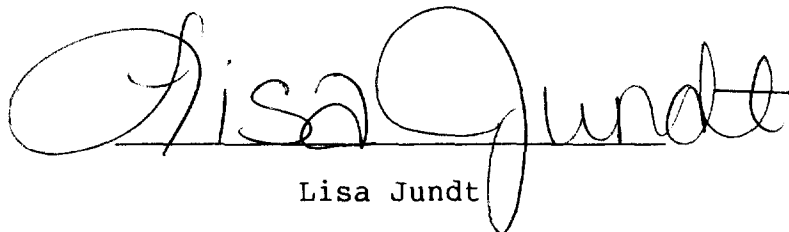
Attorneys for
Southwestern Bell Telephone Company

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St. Louis, Missouri 63101
(314) 235-2507

July 23, 1992

CERTIFICATE OF SERVICE

I, Lisa Jundt, hereby certify that the foregoing
"Comments of Southwestern Bell Telephone Company" in Docket # 92-
117 has been served this 23rd day of July to the Parties of
Record.



Lisa Jundt

July 23, 1992

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